

Arbitration in Madrid

When companies trade, when companies invest, conflict is unavoidable. Agreements can be construed in different ways. Parties default or simply decide not to pay. In a globalized world, there are no global courts to settle disputes between companies. This role is fulfilled by international arbitration.

International arbitration can be successful: a fast, (relatively) cheap way of settling disputes, with an award which is quickly enforced and settled. Most arbitrations are successful. But some become a nightmare – slow, expensive, with continuous interference by state courts. Years of effort that lead nowhere. How to avoid the pitfalls of unsuccessful arbitrations? There are many issues, of course: a well drafted arbitration clause, good lawyers, an effort to produce convincing evidence. But there is also an additional element: selecting the right place of arbitration.

The place of arbitration matters. Once the award has been rendered by the arbitrators, the losing party can attack it before the Courts of the place of arbitration. So it is important that these Courts are independent, have a pro-arbitration attitude and do not reject awards for flimsy or formalistic grounds. And that they do so in a short period of time. And from the practical point of view, since most arbitration hearings will be held at the place of arbitration, it is also necessary that one can obtain all ancillary services (legal, translation, transcript, hearing rooms...) with high quality and reasonable pricing.

Traditionally, only a few cities in the world met all requirements and thus became the natural places for arbitration. Paris, London and Geneva in Europe, New York and Miami in the US are cities frequently chosen. Madrid is joining that group. The reason: it now complies with all requirements to be a successful place of arbitration. Spain has a new international arbitration law, which is one of the most if not the most arbitration friendly statute in the world. The law was approved in Parliament unanimously. Spanish Courts have voiced their support for international arbitration. In Madrid, a special Court is being appointed to handle all matters related to arbitration. Awards are regularly upheld. There is no undue interference in arbitrations.

But the legal aspect is not everything: Madrid can offer world class legal and paralegal services, at competitive prices. Its airport is the main hub between Europe and South America. And there is something more: during the day, Madrid has one of the sunniest climates on record. And during the

night, if after a hard day arbitrating one still has sufficient energy, there is always the unending fiesta...

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